

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

**ROBERT I. SAWYER,**

**Plaintiff,**

**vs.**

**5:20-CV-783  
(TJM/ML)**

**COUNTY OF JEFFERSON,**

**Defendants.**

---

**Thomas J. McAvoy,  
Sr. U.S. District Judge**

**DECISION & ORDER**

The Court referred this *pro se* civil action, brought pursuant to 42 U.S.C. § 1983, to Magistrate Judge Miroslav Lovric for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Plaintiff's Complaint alleges that the Defendant County of Jefferson violated his constitutional rights in charging him with robbery and other crimes. He contends that his prosecution was based on evidence that officials knew was false.

Magistrate Judge Lovric's Report-Recommendation, dkt. # 5, issued on October 14, 2020, finds that Plaintiff has failed to state a claim upon which relief could be granted. Plaintiff, he finds, has failed to allege that the constitutional violations he allegedly suffered were the result of a municipal policy or custom. Without such allegations, the Defendant County could not be liable. Magistrate Judge Lovric further recommends that the Court dismiss the case without prejudice to repleading.

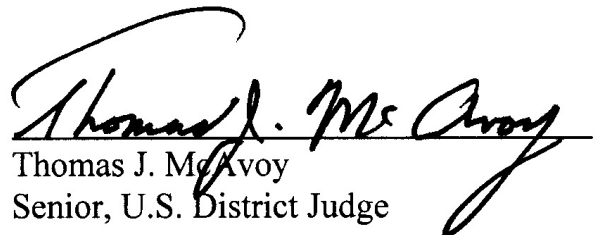
Plaintiff did not object to the Report-Recommendation, and the time for such objections has passed.<sup>1</sup> After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation for the reasons stated therein.

Accordingly,

The Report-Recommendation of Magistrate Judge Lovric, dkt. #5, is hereby **ACCEPTED** and **ADOPTED**. Plaintiff's Complaint is hereby **DISMISSED** without prejudice to repleading. Plaintiff's Amended Complaint, dkt. # 6, is hereby referred to Magistrate Judge Lovric for review.

**IT IS SO ORDERED.**

**Dated:** December 3, 2020

  
Thomas J. McAvoy  
Senior, U.S. District Judge

---

<sup>1</sup>Plaintiff instead filed an Amended Complaint. See dkt. # 6. Having decided to adopt the Report-Recommendation, the Court will refer the Amended Complaint to Magistrate Judge Lovric for another review.